

“(B) a portion of any special or incentive pay payable to such individual under chapter 5 of title 37.

Any contribution under subparagraph (B) shall be made by direct transfer to the Thrift Savings Fund by the Secretary concerned.

“(2)(A) Except as provided in subparagraph (B), an election under paragraph (1) may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2)(A)-(D) thereof.

“(B)(i) Notwithstanding subparagraph (A), a member of the uniformed services performing active service on the effective date of this section may make the first such election during the 60-day period beginning on such effective date.

“(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60-day period referred to in clause (i).

“(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund.

“(2)(A) The amount contributed by a member of the uniformed services under subsection (a)(1)(A) for any pay period shall not exceed 5 percent of such member's basic pay for such pay period.

“(B) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

“(3) No contributions under section 8432(c) shall be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

“(4) In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund, the reference in subsection (g)(1) or (h)(3) of section 8433 to contributions made under section 8432(a) shall be considered a reference to contributions made under any of sections 8351, 8432(a), 8432b(b), or 8440a-8440e.

“(c) For purposes of this section—

“(1) the term ‘basic pay’ has the meaning given such term by section 204 of title 37;

“(2) the term ‘active service’ means—

“(A) active duty for a period of more than 30 days, as defined by section 101(d)(2) of title 10; and

“(B) full-time National Guard duty, as defined by section 101(d)(5) of title 10;

“(3) the term ‘Secretary concerned’ has the meaning given such term by section 101 of title 37; and

“(4) any reference to ‘separation from Government employment’ shall be considered a reference to a release from active duty (not followed by a resumption of active duty, or an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director in regulations) before the end of the 31-day period beginning on the day following the date of separation), a transfer to inactive status, or a transfer to a retired list pursuant to any provision of title 10.”

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

“8440e. Members of the uniformed services.”.

(b) AMENDMENTS RELATING TO THE EMPLOYEE THRIFT ADVISORY COUNCIL.—Section 8473 of title 5, United States Code, is amended—

(1) in subsections (a) and (b) by striking “14 members” and inserting “15 members”; and

(2) in subsection (b) by striking “and” at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “; and”, and by adding at the end the following:

“(10) 1 shall be appointed to represent participants who are members of the uniformed services (within the meaning of section 8440e).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (11) of section 8351(b) of title 5, United States Code, is amended by redesignating such paragraph as paragraph (8).

(2) Subparagraph (B) of section 8432b(b)(2) of title 5, United States Code, is amended by striking “section 8432(a)” and inserting “sections 8432(a) and 8440e, respectively.”.

(3)(A) Section 8439(a)(1) of title 5, United States Code, is amended—

(i) by inserting “or 8432b(d)” after “8432(c)(1)”; and

(ii) by striking “8351” and inserting “8351, 8432b(b), or 8440a-8440e”.

(B) Section 8439(a)(2)(A)(i) of title 5, United States Code, is amended by striking “8432(a) or 8351” and inserting “8351, 8432(a), 8432b(b), or 8440a-8440e”.

(C) Section 8439(a)(2)(A)(ii) of title 5, United States Code, is amended by striking “title;” and inserting “title (including subsection (c) or (d) of section 8432b);”.

(D) Section 8439(a)(2)(A) of title 5, United States Code, is amended by striking “and” at the end of clause (ii), by striking “, over” at the end of clause (iii) and inserting “; and”, and by adding after clause (iii) the following:

“(iv) any other amounts paid, allocated, or otherwise credited to such individual's account, over”.

#### SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.

(a) IN GENERAL.—(1) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

##### “§ 211. Contributions to Thrift Savings Fund

“A member of the uniformed services who is performing active service may elect to contribute, in accordance with section 8440e of title 5, a portion of the basic pay of the member for that service (or of any special or incentive pay under chapter 5 of this title which relates to that service) to the Thrift Savings Fund established by section 8437 of title 5.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“211. Contributions to Thrift Savings Fund.”.

#### SEC. 663. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement sections 8351 and 8440e of title 5, United States Code (as amended by section 661) and section 211 of title 37, United States Code (as amended by section 662).

#### SEC. 664. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect one year after the date of the enactment of this Act, or on July 1, 2000, whichever is later.

(b) EXCEPTION.—Nothing in this subtitle (or any amendment made by this subtitle) shall be considered to permit the making of any contributions under section 8440e(a)(1)(B) of title 5, United States Code (as amended by section 661), before December 1, 2000.

(c) EFFECTIVENESS CONTINGENT ON OFFSETTING LEGISLATION.—(1) This subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legis-

lation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the 106th Congress qualifying offsetting legislation.

(2) If the conditions in paragraph (1) are met, then, this section shall take effect on the date on which qualifying offsetting legislation is enacted or, if later, the effective date determined under subsection (a).

(3) For purposes of this subsection:

(A) The term “qualifying offsetting legislation” means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term “PayGo scorecard” means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. BUYER) and a Member opposed will each control 10 minutes.

Does the gentleman from Hawaii (Mr. ABERCROMBIE) oppose the amendment?

Mr. ABERCROMBIE. Madam Chairman, I do not oppose the amendment, and I ask unanimous consent that in the absence of opposition that I be allowed to control the time otherwise reserved for the opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Chairman, I yield myself such time as I may consume.

The Subcommittee on Military Personnel has been striving to find the right combination of incentives to address the negative recruiting and retention trends that threaten the readiness of our military forces. That is the purpose of the Buyer-Abercrombie amendment, to offer a military thrift savings plan.

On the retention front, all services have incurred unsustainable losses among pockets of highly qualified experienced personnel, including aviators and many high tech skills. The most severe retention problems are in the Navy and the Air Force where officers, noncommissioned officers and enlisted members across the force are leaving at rates that threaten the future viability of those services.

On the recruiting front, three of the services, beginning with the Army, then the Navy and finally the Air Force, have been struggling to meet production goals for new recruits. In addition, some sources of officer commissions, specifically Army and Air